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EX-2008-APR-15

8 Counsel for Defendant CORTEZ-PADILLA

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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 11-00872 RMW  
15 Plaintiff, ) STIPULATION AND []  
16 vs. ) ORDER CONTINUING HEARING DATE  
17 JUAN CORTEZ-PADILLA, ) AND EXCLUDING TIME UNDER THE  
18 Defendant. ) SPEEDY TRIAL ACT  
19 \_\_\_\_\_)

20 **STIPULATION**

21 Defendant Juan Cortez Padilla, by and through Assistant Federal Public Defender Varell  
22 L. Fuller, and the United States, by and through Special Assistant United States Attorney  
23 Carolyne Sanin, hereby stipulate that, with the Court's approval, the status hearing currently set  
24 for Monday, March 26, 2011, at 9:00 a.m., shall be continued to Monday, April 30, 2012, at 9:00  
25 a.m.

26 The reason for the requested continuance is the government has denied Mr. Cortez-  
27 Padilla's request for a redetermination of his eligibility for the fast-track early disposition  
28 program based on reciprocal discovery provided by the defense. Defense counsel respectfully  
29 request additional time to complete ongoing investigation and legal research necessary to

1 effectively prepare Mr. Cortez-Padilla's defense. Based on the foregoing, the defense requires  
2 additional time to effectively prepare, and therefore respectfully requests a continuance of the  
3 status hearing previously set in this matter to April 30, 2012.

4 Accordingly, the parties agree that the time between March 26, 2012, and April 30, 2012,  
5 may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for  
6 effective preparation by defense counsel.

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9 Dated: March 22, 2012

10 \_\_\_\_\_/s/  
11 VARELL L. FULLER  
Assistant Federal Public Defender

12 Dated: March 22, 2012

13 \_\_\_\_\_/s/  
CAROLYNE A. SANIN  
Special Assistant United States Attorney

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18 **[] ORDER**

19 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
20 ORDERED that the hearing currently set for Monday, March 26, 2012, shall be continued to  
21 Monday, April 30, 2012, at 9:00 a.m.

22 THE COURT FINDS that failing to exclude the time between March 26, 2012, and April  
23 30, 2012, would unreasonably deny the defendant reasonable time necessary for effective  
24 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§  
3161(h)(7)(B)(iv).

25 THE COURT FINDS that the ends of justice served by excluding the time between  
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1 March 26, 2012, and April 30, 2012, from computation under the Speedy Trial Act outweigh the  
2 interests of the public and the defendant in a speedy trial.

3 THEREFORE, IT IS HEREBY ORDERED that the time between March 26, 2012, and  
4 April 30, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
5 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7 Dated: HEM EG

  
THE HONORABLE RONALD M. WHYTE  
United States District Judge

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